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THE ARBEITER BUND.

The Chicago Police Cannot Interfere.

DECISION BY JUDGE TULLEY.

Sound Law and Reason—No Injunction Granted—A Victory for the Anarchists—Etc., Etc.

CHICAGO, January 15.—Judge Tulley, of the circuit court, in his decision rendered to-day, holds that the Anarchists and Socialists have not forfeited their constitutional rights to assemble peaceably and discuss any question which interests them, providing they do not plot to carry out their ideas of the use of force against constitutional authority. This decision was the outgrowth of the application made in December last by the Arbeiter Bund for an injunction to restrain the police from interfering with their meetings, the progress of which case has been reported from time to time in these dispatches. Judge Tulley's decision is more than 6,000 words in length, and begins by reciting:

THE HISTORY OF THE CASE.

stating that the particular meeting which was made the test case, was called for the purpose of hearing the report of the Arbeiter Bund committee on constitution and by-laws, and of completing its organization; that the only objects of the society, according to the allegations of its constitution were to secure to its members the mutual benefit of social intercourse and political education; that police were invited to be present and did actually, by show of force, prevent the holding of the proposed meeting. In behalf of the city authorities this interference is justified on the ground that the name of Arbeiter Bund

IS A MERE CLOAK;

that the real purpose of its members is to plot to overthrow the Constitution and laws of the United States and this State. As to the police officers, it is in their jurisdiction to forbid such meetings, in order to prevent the commission of crime. The judge says: "I find no reason to differ from the master in his conclusion that the evidence adduced fails to show that the proposed assemblage was for an unlawful purpose. It was argued that the constitution shows on its face an unlawful purpose, because of the condition of its membership, 'that only persons of reputable character, who declare for the abolition of the inhuman wage system, can become members.' The solicitor is in error in the supposition that the law upholds or demands any particular system for carrying on industrial enterprises. The master reports that

THERE WAS NO EVIDENCE

to show the meaning of the declaration that the society favors the abolition of the capitalist system, and purpose to assist in the fight against exploitation. The word exploitation is a French word, for which in English we have no precise equivalent. I understand the object is to protest against the present system of using capital, which shall be so used that labor will receive a greater share of the combined earnings of labor and capital than at present, and labor shall not be used so as to oppress the people by communications and monopolies. I may be mistaken in my interpretation, but whatever may be the object to be accomplished by the enlightenment and education of the masses, I find no law which prohibits the formation of societies for such purposes. The members of the society may seek to disseminate the views and principles, which, in the opinion of a great many citizens, they have a right to, and to publicly meet and discuss them, in a quiet and peaceable manner, and make

CONVERTS TO THEIR VIEWS

if they are able to do so. The question of the relations of capital and labor, in its varied phases, and many others like the question of the exclusive individual ownership of the land or the single tax question, burning questions of the hour, that have come to stay and must be met. Referring to the claim of the authorities that the purposes of the society is the same as that of Spies et al., Judge Tulley says he is of the opinion that there is a vital difference; that the internationalists declare for force of organization for the purpose of rebellion and for the inextinguishable revolution and for the assassination, while in the constitution of this society there is nothing to indicate that their objects are to be accomplished by such measures in any contingency. If it appeared that this society was such a one as the Supreme Court describes them to be, it could have no standing in the court. Men cannot appeal to the law for the purpose of overthrowing the law. Men appealed to the court and denounced the principles of

SOCIALISM AND ANARCHISM,

but it did not decide that Anarchists or Socialists are criminals. The court held that the Anarchists who commit crime are criminals, but pronounced no judgment of outlawry against Anarchists as a body. Judge Tulley then takes up the claim on behalf of the police that they had a right to prevent the meeting and preventing crime, and holds that this power cannot be given such latitude; that the police cannot at their discretion prevent what may, in their judgment, result in crime. "I am astounded to find that at this day, in this free country," continues the judge, "it should be urged by affidavits and argument in a court of justice that a court official can forbid a society to hold a public meeting, because of his belief that this

SOCIETY IS A TREASONABLE ONE,

and its members are about to commit

treasonable acts. If this be law, then every political, literary, religious or other society would hold their constitutional right of free speech and liberty at the mercy of every petty policeman. In other, city in the Union except here in Chicago, have the police attempted to interfere with free speech or peaceable assemblies on such pretences. It is time to call a halt. The right of free speech and peaceful assembly is the very life-blood of freedom. You might as well expect to exist after your blood had been expended as to expect the continued existence of liberty if your citizens

ARE DEPRIVED OF FREE SPEECH

and peaceful assembly, and any abuse of free speech and peaceful assembly must be punished. The police, by the arrest without warrant, by such illegal acts as here complained of, cause more disorder than they cure and create more crime than they prevent. In conclusion, the chancellor says: "Inasmuch as the city authorities have undertaken to respect the law as laid down by him in this case, he would not issue the injunction prayed for to him, because it was not needed."

Another Day of It.

BOISE CITY, Idaho, January 15.—[Special to THE HERALD.]—In the Council, the bills were introduced of which notice was given yesterday. Notice was given of bills: To amend the statutes relating to the bonds of assessors; relating to live stock; to regulate the sale of opium. A recommendation was introduced asking that the act creating a board of immigration do not pass. The bill providing for an annual license for insurance companies was referred.

In the Assembly, notice was given of bills: To provide for the punishment of persons mischievously and willfully injuring public property; fixing the duties of stock inspectors; fixing fees of county surveyors. The bill relating to the rights of married women and their exemption from execution was recommended for passage, as was also the joint memorial to Congress to allow the Union Pacific to retain its sinking fund. The afternoon was consumed mostly in considering the poll tax bill.

The County Trouble.

TOPEKA, Kas., January 15.—General Myers reports to the governor a still very serious state of affairs at Cimarron, Gray County. He says the presence of troops is the only thing which prevents another battle between Cimarron and Ingalls.

Lynched.

BIRMINGHAM, Ala., January 15.—The negro, George Meadows, was hung at Pratt Mines, this morning, by a mob of quiet, determined men, who had him in charge all day yesterday and all night. While Mrs. Kelleme, his victim, is almost positive in her identification, this morning, just as she was yesterday, she asked the mob not to hang him, as she might possibly be mistaken. There is little doubt of this, because she shrank from the responsibility of saying what she knew would cause his certain death. The mob so regarded it. He protested his innocence to the last.

BIRMINGHAM, January 15.—Sheriff Smith, who will be remembered in connection with the killing in the jail yard during the Howe's execution is of the opinion that they lynched the wrong man. He claims to have the right man in jail. All sorts of rumors are current one being that the negroes around the mines may attempt to avenge the death of Meadows by the perpetration of renewed outrages.

Sutro Tunnel Sale—Through Service.

VIRGINIA CITY, Nevada, January 15.—The sale of the Sutro Tunnel under foreclosure, took place to-day. It was bid for by the Sutro Tunnel Company of New York. The price was \$1,325,000. It is semi-officially stated that the officials of the Union and Southern Pacific are endeavoring to effect arrangements with certain lines east of Council Bluffs, which will give a through train service between San Francisco and Chicago for the Golden Gate special. It is also stated that the officials hope to arrange for the shortening of time between this city and New York of over twelve hours.

Denouncing the Elks.

GLENS FALLS, N. Y., January 15.—Father McDermott, Catholic priest, created a sensation, Sunday, by preaching a sermon denouncing the order of the Elks, and calling on all his parishioners who are members to resign.

The Bonds Are No Good.

MEXICO, via Galveston, January 15.—A syndicate has been formed in Philadelphia to secure the recognition of the so-called Carbajal bonds, of which \$12,000,000 are in existence. The Secretary of the Interior says these bonds will not be recognized.

A Good Lay Out.

NEW YORK, January 15.—Sullivan's sponsor in this city has received a letter from a prominent sporting man, a resident of El Paso, Texas, stating he would not only guarantee Sullivan and Kilrain \$10,000 to fight there, but would also give an assurance that 10,000 Mexicans would be present at the fight and prevent the authorities from interfering.

The President's Agreement.

CHICAGO, January 15.—The president's agreement, on which it was proposed to organize the Inter-State Commerce Railway Association, has been printed in its modified form. The plan, as amended, provides for a chairman, but no vice-chairman. It was originally intended there should be two vice-chairmen, to have charge of the freight and passenger departments, respectively, but the duties of these officers

will be imposed upon the chairman, who will employ his assistants. The executive board will consist of three experienced men, instead of the chairman and vice-chairman, as at first agreed, and the rate making power will be in the hands of the committee. Another amendment is the omission of the clause providing that subordinate officers will not only be discharged for cutting rates, but shall not be re-employed by any road in the association. It is expected that a meeting will be called next week.

Conditional Habeas Corpus.

LONDON, January 15.—A conditional habeas corpus, on the ground of informality in the proceedings, was issued in the case of Edward Harrington, sentenced to six months imprisonment for reporting the proceedings of suppressed branches of the Land League in the Kerry Sentinel.

Indianapolis Items.

INDIANAPOLIS, January 15.—The Ohio and Illinois Presidential electors called on General Harrison to-day and were cordially received. They returned home this evening, expressing themselves highly gratified with their visit. During the afternoon Hon. T. S. Everett had a long private conference with the President-elect. He stated his visit was a social one, but it is suspected it was a political one. It could not be learned that Everett was urging any particular name for cabinet position. He is known, however, to be an ardent supporter of ex-Senator Platt.

MORE OF THAT ARGUMENT.

Mr. Ferry's Assault and Delegate Bean's Refutation.

WASHINGTON, January 15.—On Saturday last the report of the Utah hearing was incomplete, the latter part of it having been swept out by an accident. The main points omitted were as follows:

FERRY ATTACKED SHARPLY

the constitution of the proposed new State, alleging that in it there was no protection for the person of any woman, except as against a single assault and battery; the Church controlled the State; marriages were made behind sealed doors, and it was not easy to learn of them. The proposed constitution might define polygamy to be a misdemeanor but not, as it should, declare it to be a felony. Polygamy was not dead, and clothing Utah with Statehood would be permitted to take part in the government of State. It would be as in the time when he (Ferry) first went to Utah. Business interests would also suffer if Utah were made a State. The Territory has already tried to levy a tax on mining because that business brought in an element that the Mormon Church could not control.

CAINE INTERRUPTED

the speaker to declare that no discrimination was made between mining and other kinds of business; they were all taxed upon their valuation.

Continuing, Ferry told of the growth of the Gentile vote in his county and asserted that the younger element in the Mormon Church was leaving it. He stoutly maintained that until Utah had at least a majority of loyal American citizens ready to submit to the laws, it was not fit for Statehood.

DELEGATE BEAN

of Arizona, said he thought he owed nothing to the Mormons, as he always had been opposed politically by them. He desired to say a word for his Mormon neighbors, whom he had known for twenty years. He had found them to be as good a class of people as he had ever met in his life and he had raised in New England. They were honest, temperate and economical to the last degree. The literature of this country contained more misrepresentations about the Mormons than any other subject. Polygamy was as dead as slavery and a little more so.

Fire Record.

LOS ANGELES, January 15.—The old Santa Monica Hotel at Santa Monica burned last night. Loss, \$50,000.

CHICAGO, January 15.—The cigar box factory, East Fifth Street, is burning. Three girls are known to have been burned to death. A man has been arrested on suspicion of having placed the fire. The girls were at work upon the upper floor; two were carried down ladders by the firemen, but the other three lost their lives. They were Josephine Farenkop, Lena Straub and Barbara Appel. It is supposed they were suffocated by the smoke, as their bodies were not badly burned. Loss, \$5,000.

Judgment for \$18,000.

NEW YORK, January 15.—S. O. Kapf, a lawyer, to-day received judgment for \$18,000 against A. C. Dunn, of California, in the Supreme Court. The suit was brought to recover for professional services rendered in organizing the Stentien Silver and Gold Company. Kapf claims he was to receive \$5,000 in cash and 10,000 shares in the company out of a capital of 600,000, the par value of the shares being \$10 each. Notice was interposed.

Brief Telegrams.

DION BOUCICAULT's wife (Agnes Robertson) has been granted a divorce. The Atchison Railroad, at a meeting, voted not to declare their usual quarterly dividend.

The steamer Singapore, was sunk by a collision near Singapore, and forty-two persons were drowned.

Dr. Kuss, the Munich chemist, has succeeded in decomposing cobalt and nickel, both hitherto supposed elementary substances.

The Danube is frozen over solidly for a distance of eighteen miles below Vienna.

CAPITAL CHATTER.

Report From the Secretary of State.

THE SAMOAN DISTURBANCES.

What Are the Prospects for a Little Spat with Germany?—Is Uncle Sam Waking Up?

WASHINGTON, January 15.—The Senate, this afternoon, confirmed the nomination of Walter C. Newberry to be Postmaster of Chicago.

It appears the conferees on the land grant railway forfeiture bill, who, a few days ago were closely approaching an agreement, are drifting apart. At a meeting the House conferees showed a disposition to return to their original position, and, as a result, subsequent conferences between them and certain of their fellow members interested in the conference, have been of little avail. It is learned they have been strengthened in their position to insist upon the adoption of the bill in this line as based by the House.

TRANSPORTATION OF CHINESE.

Petitions have been made to the Treasury Department by transportation companies for the recreation of regulations prohibiting transportation of Chinese laborers across the territory of the United States, and arguments had been submitted to show there is nothing to show in either the restriction act of May, 1882, or the exclusion act of 1888 to authorize such prohibitions.

IMPORTANT ITEMS.

The most important items in the naval appropriation bill, which carries \$20,000,000, are those providing for the construction of dynamite cruisers to cost \$450,000, on the pattern the Vesuvius and 350-ton cruiser monitors, to cost \$1,500,000, on the plan of originals by Representative Thomas, of Illinois.

MESSAGE RELATING TO SAMOA.

The President to-day transmitted to both houses of Congress a report from the Secretary of State with the latter correspondence since December 21st, 1888, exhibiting the progress of disturbances in Samoa up to recent date. The message of the President says the information thus laid before Congress is of much importance, since it has relation to the preservation of American interests and the protection of American citizens and their property in that distant locality, and under the unstable and unsatisfactory government in the midst of the disturbances which have arisen at Samoa, such powers have been exercised as seemed to be within the control of the executive under the laws and constitution and which appear to accord with our national policy and condition. An attempt has been made.

TO RESTORE TRANQUILITY

and to secure the safety of our citizens through negotiations and agreement with Great Britain and Germany, which with our government, constitutes the treaty powers interested in Samoa quiet and peace. An attempt has been made to more clearly define which of said powers shall assume the government of that country. At the same time its autonomy has been insisted upon. These negotiations were at one time interrupted by such action on the part of the German government as appeared to be inconsistent with their further continuance. Germany, however, still asserts, as from the first, that she has no desire to overturn the nature of the Samoan government, nor to ignore one of the treaty rights, and she still invites our government to join her in restoring peace and quiet, but thus far her propositions on the subject seem to lead to such preponderance of the

GERMAN POWER IN SAMOA

as was never contemplated by the United States and as is consistent with prior agreement or understanding, while her recent conduct as between the native and foreign factions gives reason to the suspicion that she is not content with a neutral position. Acting under the restraint which our Constitution and laws have placed on the executive power, we have insisted that the autonomy and independence of Samoa should be scrupulously preserved according to the treaty with the powers assumed, and other agreements and understandings with each other. The recent collision between the forces of a German man-of-war stationed at Samoa and a body of natives rendered the situation so delicate and critical that the war ship Trenton, under the immediate command of Admiral Kimberly, was ordered to join the Nepesic, already at Samoa, for the better

PROTECTION OF THE PERSONS

and property of our citizens and in the furtherance of the efforts to restore order and safety. The attention of Congress is especially called to the instructions given to Admiral Kimberly, dated on the 11th inst., and a letter of the Secretary of State to the German minister, dated the 7th inst., which will be found with the papers herewith submitted. By means of the papers and documents heretofore submitted, and those accompanying the communications, the state of affairs in Samoa are laid before Congress and such executive action as should be taken is fully exhibited. The views of the executive in respect to the just policy to be pursued with regard to this group of islands, which lie in the direct highway of a growing and important communication between Australia and the United States, have found expression in the correspondence, and the

documents which have thus been fully communicated to Congress, and the subject in its present stage, which is admitted to be open for a wider discussion, is referred to the legislative branch of the government.

The accompanying correspondence referred to by the President was not sent to the House, but the accompanying copy of a letter was transmitted to the Senate and has not yet been laid before that body.

The Old Blue Law.

NEW HAVEN, Conn., January 15.—Mrs. J. J. Clark and Mrs. M. J. Wright, clairvoyants, were arrested to-day, under the old blue law, which provides for the punishment of fortune-tellers.

Best and cheapest, Elite Restaurant, opp. Walker House. Day and night.

Read and profit by F. Auerbach & Co.'s large advertisement; they always do as they agree.

Furniture.

Remember all our furniture is new and the prices close.

BARRATT BROS.

TO THE PUBLIC.

John McDonald & Son roast their fine Java and Mocha coffees on Tuesdays and Fridays.

Rugs! Rugs! Rugs!!! Mounted Fur Rugs, Kurrachee Rugs, Smyrna Rugs and Carpets at DINWOODY'S.

Mark McKimmins' Livery Stable, Main Street, opposite Postoffice.

A BARE OPPORTUNITY.

Mr. A. J. Stewart is going to Mexico, and now offers the FAMOUS GREASEWOOD Farm, 300 acres of land, in the heart of Utah County, divided into city blocks in Benjamin, and in five and ten acre lots adjoining. And will be sold in quantities to suit purchasers. It is well watered and a large quantity seeded to lucerne; a flowing well guaranteed on each lot.

Also his renowned trotting horses and fine Durham cattle. Terms of sale on land, cattle and horses, 20 per cent. down and 10 per cent. interest per annum until paid.

An improved farm with horses, cattle and farm implements to let on shares. Apply to owner or A. J. Stewart, Jr., on the premises.

Ladies.

Fresh shipments of Muslin Underwear will be placed on sale Monday, the 21st. Look out for catalogues.

THE WALKER BROS. CO.

The "Petite" Photograph, \$1.50 per dozen, at Fox & Symons.

Get your plumbing done by J. W. Farrell, No. 137 Main Street. Telephone 200.

SPECIAL NOTICES.

Advertisements in this column, for articles lost or found, for situations offered or wanted, houses for rent or wanted to rent, will be charged for at the rate of 5 cents per line for one insertion, and 25 cents per line for each subsequent insertion. All other matter, 75 cents per line first time, and 4 cents each subsequent time. Birth Notices, 50 cents; Marriage Notices, \$1; Death Notices, Free; Obituary Notices, 15 cents per line.

DIED.

WOODRUFF—In Father's Ward, Salt Lake County, January 14th, 1889, of old age and general debility, Axmon Woodruff.

Deceased was born at Avon, Hartford County, Connecticut, November 29th, 1862, and was the son of Aphek and Bulah Thompson Woodruff.

Funeral services at the School House, Farmers' Ward, to-day, Wednesday, at 11 a.m.

Wray—In this city, Tuesday, January 15th, 1889, Mamie Palmer Wray, wife of Joseph H. Wray, aged 24 years. Funeral will be held Thursday, January 17th, 1889, at 1 o'clock p.m., in the Nineteenth Ward Meeting House. Friends are respectfully invited to attend.

WANTED.

A GOOD GIRL TO DO GENERAL housework. Small family; good wages. Apply 33 Second Street.

POSITION AS TRAINER OF TROTTERS and Pacers. Reference given. Inquire at Spencer House. F. E. PATTERSON.

COAL MINERS. APPLY AT UTAH CENTRAL Railway General office, Main Street.

A GOOD SECOND-HAND PAIR OF HAY scales. Apply to People's Forwarding Company.

A GOOD GIRL, GOOD WAGES PAID. Apply at 64 W. Sixth South Street.

ALL THE ACTIVE, ABLE BODIED MEN in the Territory, while they have the opportunity to secure a policy with the Mutual Life of New York, the greatest financial institution in the world. Assets over \$10,000,000. For particulars call on or address Louis Hyatt, District Manager for Utah. P. O. address, Box 241, Salt Lake.

ANYONE POSSESSING INFORMATION as to the whereabouts of P. Larsen or Peter Rasmussen, formerly of Salt Lake, will confer a favor by forwarding same to THE HERALD.

ESTRAY NOTICE.

I HAVE IN MY POSSESSION ONE large gray horse, branded O G on the left shoulder, and one dark bay, branded J M on left thigh. The owners can get the said animals by inquiring at H. T. Spencer, Point of West Mountains, Salt Lake County, Utah.

LOST.

ON MONDAY LAST, A BROWN PURSE, containing a sum of money and papers. The finder will be rewarded by leaving it at the Deseret National Bank.

DIRECTORY

OF THE

SALT LAKE REAL ESTATE BOARD.

OFFICERS OF THE ASSOCIATION:

B. G. RAYBOLD, President.
W. H. BELLS, Vice-President.
HARVEY HARDY, Treasurer.
R. M. WILKINSON, Secretary.

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R. M. WILKINSON, 267 Main Street.

SPECIAL NOTICES.

BUSINESS CARDS.

MUSIC, LANGUAGES AND FENCING Prof. Andre, Interpreter, 43 E. 23 South

COAL! COAL!

J. C. & H. WATSON HAVE REOPENED their coal office in Hyde & Grimm's building, with Taylor Brothers & Gilve, 119 Main Street.

QUINCY SHOW CASES

ARE DELIVERED IN SALT LAKE CITY at about one-half usual prices; finest workmanship. Agency with Shiley, Grosholl & Co., No. 7 E. Second South.

JAPANESE BAZAR.

NEW GOODS JUST ARRIVED. ALL kinds of Japanese Screens and Banners, also Ladies' silk wrappers and Gents' Smoking Jackets, and expensive Chinaware, all kinds of Canton Crepe and Shawls, and Fancy Embroidered Silk Handkerchiefs. H. HOP, 207 S. Main Street.

GEO. W. CARTER & CO.

WOLFE'S RETAIL BUTCHERS, 104 and 106 West Temple. Boiling beef and corn beef 5 to 6 cents. Steaks 10 to 12 cents, and other meats at equally low prices.

MRS. C. B. FOBES.

HAVING RETURNED FROM THE EAST, will take a limited number of pupils, in Vocal and Instrumental music. Residence 115 Second Street.

FOR SALE.

900 WAGON OF KINDLING WOOD, READY for use. Apply to William Carroll, Architect and Builder, Emporium Building, First South Street.

160 ACRES, 1 1/2 MILES SOUTHEAST of Sandy; well improved and agreeable surroundings; by William J. Jenkins, Sen.

\$375 WILL BUY A GOOD PAYING Restaurant business in a good camp. Everything complete. Lease long term. Must sell out. Address Restaurant, this office.

FIRST-CLASS HOUSE OF NINE ROOMS bath room, pantry, closets, city water, etc. Lot 4x10 rods. Good stable and other outbuildings of brick substantially built, south front, on Second North Street No. 166. For particulars apply on premises.

HAMMOND TYPE-WRITERS, 3 MONTHS trial. C. Orlob, Z. C. M. L. S. L. City.

FOR RENT.

A FINE OFFICE SUITE IN THE HERALD Building. Apply at this office.

ONE FURNISHED FRONT ROOM, NO.

234 West, Third South.

\$20 A MONTH WILL RENT A FINE house; water, steam heating, bath room, stable, etc. Apply 8 this office.

A GOOD BASEMENT ON MAIN STREET,

suitable for a commission business. Inquire of McDonald Bros. No. 270 Main Street.

IN EIGHTEENTH WARD, PART OF house, three good rooms, pantry and cellar. Enquire HERALD Office.

ONE OR TWO LARGE ROOMS THIRD floor of HERALD building; Long lease cheap to right party. Very desirable rooms or studio or class purposes.

FOR SPRING PLANTING.

GO TO CHRISTOPHERSEN'S SALT Lake Nursery, on State Road, two miles south of the city, for your Fruit, Shade and Ornamental Trees, Shrubs, etc. Home grown as well as imported. Leave orders in the city, at Grundlund's store, No. 63 E. Second